IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 10253 of 1995

Between:

Dr.B.V.Raju S/o.late B.V.N.Raju
H.No.8-2-120/12/A/15 Road No.9
Banjara Hills, Hyderabad

..... PETITIONER

AND

1 State of Andhra Pradesh rep.by its Secretary
Revenue Department Secretariat,
Hyderabad.
2 Mandal Revenue Officer Golconda Mandal,
Hyderabad .

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of mandamus or otherwise declaring the action of the respondents in issuing the notice No.D/970/95, Dt.2/5/1995 and taking up proceedings against the petitioner under the A.P.Land Encroachment Act is arbitrary, illegal and without jurisdiction and declare the same as unenforceable and be pleased to pass such other orders.

Counsel for the Petitioner:MR.VILAS V.AFZULPURKAR

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court made the following Oral Order:

It is submitted that when notice in terms of Section 6 of the A.P. Land Encroachment Act, 1905 was issued to the petitioner, he filed reply before the authority who issued the notice. He approached this Court and obtained stay as early as on 25th May, 1995.

Since the authority concerned had not passed any order pursuant to the notice impugned in this writ petition, the writ petition itself was premature. The writ petition is dismissed as such. The respondent authority may pass an order. No costs.

28th October, 2004

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To

1 The Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Hyderabad.
2 The Mandal Revenue Officer, Golconda Mandal, Hyderabad .

3 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

4 Two C.D. copies